



LOUISIANA DEPARTMENT OF AGRICULTURE & FORESTRY  
MIKE STRAIN DVM  
COMMISSIONER



HORTICULTURE COMMISSION MEETING

December 1, 2009

9:00 a.m.

Veterans Memorial Auditorium  
5825 Florida Boulevard  
Baton Rouge, LA 70806  
Minutes

**Agricultural &  
Environmental  
Sciences**

P.O. Box 3596  
Baton Rouge,  
LA 70821  
(225) 925-9770  
Fax: 925-3760

**Agro-Consumer  
Services**

P.O. Box 3098  
Baton Rouge,  
LA 70821  
(225) 922-1341  
Fax: 923-4877

**Animal Health  
Services**

P.O. Box 1951  
Baton Rouge,  
LA 70821  
(225) 925-3962  
Fax: 925-4103

**Forestry**

P.O. Box 1628  
Baton Rouge,  
LA 70821  
(225) 925-4500  
Fax: 922-1356

**Management  
& Finance**

P.O. Box 3481  
Baton Rouge,  
LA 70821  
(225) 922-1255  
Fax: 925-6012

**Marketing**

P.O. Box 3334  
Baton Rouge,  
LA 70821  
(225) 922-1277  
Fax: 922-1289

**Soil & Water  
Conservation**

P.O. Box 3554  
Baton Rouge,  
LA 70821  
(225) 922-1269  
Fax: 922-2577

**CALL TO ORDER**

The hearing was called to order by Mr. Bass at 9:04 a.m.

**ROLL CALL**

The roll was called by Mrs. Bellington.

Members present: Fred Bass, Todd Parker, Dr. Allen Owings, Van Cox, Stephen Hoover, Paul Orr, Donald Kelley, Rob Barry, Patsy Spedale, Rusty Ruckstuhl, Roger Mayes and Bill Fleming.

Members absent: Harold Tani.

A quorum was present.

Others present: Murphy Bell, Commission's Attorney; Linsey Hunter, Hearing Officer; Craig Roussel, LDAF; Ansel Rankins, LDAF; Ruby Bolding, LDAF; and Fran Bellington, LDAF.

**APPROVAL OF MINUTES**

**Motion:** Mr. Parker made a motion to approve the minutes from the June 30, 2009 hearing. This motion was seconded by Mr. Mayes and passed unanimously.

**SET NEXT HEARING DATE**

The next Horticulture Commission meeting will be Thursday, March 4<sup>th</sup>, 2010 at 9:00 a.m. in the Veterans Memorial Auditorium.

**OLD BUSINESS**

There was no old business but Mr. Parker took a moment to welcome Mrs. Patsy Spedale to the Commission.

**REINSTATEMENTS**

Mr. Richard Owen requested to have his arborist license reinstated. **Motion:** Mr. Ruckstuhl made a motion that he retest. This motion was seconded by Mr. Cox and passed unanimously.

Mr. James Grimley requested to have his landscape horticulturist license reinstated. **Motion:** Mr. Mayes made a motion to reinstate his license. This motion was seconded by Mr. Ruckstuhl and passed unanimously.

Mr. Michael Moore requested to be placed on the agenda to ask for reinstatement of his retail florist license but failed to appear.

The meeting was turned over to the Hearing Officer at 9:24 a.m.

## HEARING

### New Cases

Derek Ancalade  
d/b/a Riverbend Landscape  
59235 Pine Ridge Rd.  
LaCombe, LA 70445

Case No.: 09-015

Three violations of L.R.S. 3:3804 (C) for advertising and soliciting in a regulated profession (landscape horticulturist and landscape irrigation contractor) without the proper license.

Mr. Ancalade was not present but the department proceeded because service was effected. **Motion:** Mr. Parker made a motion to find Mr. Ancalade in violation. This motion was seconded by Dr. Owings and passed unanimously. Recommended penalty of \$1,000.00 per violation for a total of \$3,000.00. **Motion:** Mr. Cox made a motion to accept the recommended penalty. This motion was seconded by Mr. Hoover and it passed unanimously. **Motion:** Mr. Cox made a motion to seek an injunction. This motion was seconded by Mr. Hoover and passed unanimously.

David Levy  
d/b/a Heaven On Earth Lawn Care  
308 Sunny Lane  
Lafayette, LA 70506

Case No. 09-016

Three violations of L.R.S. 3:3804 (C) for engaging in a regulated profession (landscape horticulturist, arborist and landscape irrigation contractor) without the proper license.

Mr. Levy was not present but the department proceeded because service was effected. **Motion:** Mr. Ruckstuhl made a motion to find Mr. Levy in violation. This motion was seconded by Mr. Parker and passed unanimously. Recommended penalty of \$1,000.00 per violation for a total of \$3,000.000. **Motion:** Mr. Ruckstuhl made a motion to accept the recommended penalty. This motion was seconded by Mr. Parker and passed unanimously. **Motion:** Mr. Parker made a motion to seek an injunction. This motion was seconded by Mr. Mayes and passed unanimously.

Michael Jacobson  
d/b/a A-Demand Tree Service  
1782 North Broad  
New Orleans, LA 70119

Case No.: 09-017

Three violations of L.R.S. 3:3804 (C) for advertising and failing to abide by a stop order in a regulated profession (arborist) without the proper license.

Mr. Jacobson was not present but the department proceeded because service was effected. **Motion:** Mr. Mayes made a motion to find Mr. Jacobson in violation. This motion was seconded by Mr. Parker and passed unanimously. Recommended penalty of \$250.00 per violation for a total fine of \$750.00. **Motion:** Mr. Parker made a motion to accept the recommended penalty. This motion was seconded by Mr. Fleming and passed unanimously.

The meeting was turned back over to Mr. Bass at 9:54 a.m.

## **NEW BUSINESS**

### **Discuss the Mercatus Recommendations to the Louisiana Streamlining Commission**

Mr. Roussel gave an update on the recommendations from the Mercatus Center regarding Horticulture & Quarantine Programs. **Motion:** Dr. Owings made a motion to let the minutes reflect that the Horticulture Commission members are strongly opposed to the Mercatus recommendations. This motion was seconded by Mr. Hoover and passed unanimously.

The full report can be viewed at the end of these proceedings.

## **PUBLIC COMMENTS**

There were no public comments but Mr. Parker took this time to thank the inspectors, Dana Moore, Albert Jewell and Richard Broussard for all of their hard work done.

## **ADJOURNMENT**

**Motion:** Mr. Mayes made a motion to adjourn at 10:02 a.m. This motion was seconded by Mr. Orr and passed unanimously.

## **LOUISIANA DEPARTMENT OF AGRICULTURE & FORESTRY Horticulture & Quarantine Program Update Craig M. Roussel**

Attached are recommendations from the Mercatus Center to the Louisiana Streamlining Commission. I would like to call your attention to Mr. McTigue's first bullet in the preamble in which he admits that the "recommendations are based on VERY limited information". In fact, he practically suggests that the committee discard his recommendations based on local knowledge.

These recommendations were based on answers to specific questions that were limited to "**no more than half a page**". When the text from the questions is removed, the answers amount to no more than one-third page. One has to question the credibility of recommendations made on such little information.

The total dollar savings reported is grossly overstated. Much of the savings indicated includes fees already paid by industry and not state general fund money. If programs are done away with or made to pay for themselves, the current fee portion would not be a savings to the state - only general fund dollars would be saved. The question asked was "**How much money was expended on this program in the last fiscal year?**" It is obvious that Mr. McTigue wrongly assumed that this was all state general fund money.

Two of the recommendations affect Horticulture & Quarantine Programs:

- **The Horticulture Commission seems to be redundant activity for the government. Suggest turning it over to the industry or cancelling. \$564,204 Zero budget cost.**

All of the Commission's funds are fee generated - there would be no savings to the state. I have no knowledge of the commission's activities being redundant as I am not aware of another agency performing these activities. Additionally, I am not certain how industry would go about performing regulatory activities. The activities of the Horticulture Commission partners with the activities of LDAF's Plant Pest Quarantine Programs by providing authority at the retail level in the surveillance of plant pests that could endanger Louisiana's agricultural (food and fiber supply), forestry, and horticultural industries and the environment.

- **The Plant Pest Quarantine Programs should be run in as full cost recovery. \$1,079,633 Cost recovery.**

For fiscal year 2008-2009, approximately half of this cost is fee generated from the sweet potato industry, nursery growers, and phytosanitary certificate fees, therefore the state would only save half of this amount. For fiscal year 2009-2010, LDAF received no state general fund money for this program. These

program activities benefit all citizens of the state by protecting Louisiana's food and fiber supply, 'green industry' economies, forests and the habitats that they provide; support and contribute to healthy environmental habitats; and increase awareness of the impacts of exotic pests. Additionally, the activities of this program enable and increase the exportation of Louisiana agricultural products. This benefits the state in every imaginable way, including tourism and the economy. As in every state, the nursery industry is regulated to protect the entities listed above. In many instances, pests regulated at the nursery level may have very little or no impact to nursery production, but tremendous impact on the food supply, the environment, and urban forests. Therefore, taxpayer dollars should support this effort.

**From the Desk of Hon. Maurice McTigue**



### **Louisiana Streamlining Commission**

#### **Suggested Recommendations to Advisory Committee Chairmen**

##### **Preamble:**

The following comments on this cover sheet have been prepared at the Mercatus Center by Hon. Maurice McTigue. The purpose of the analysis was to identify issues that the committee might pursue and finally develop into recommendations to the full commission.

- The suggested recommendations are based on very limited information and the committee's local knowledge may determine that the suggestions are not viable. In that case the Committee should discard the suggested recommendation.
- If the Committee thinks the suggestion has merit then they should refer it to officials for their analysis.
- Some of our suggestions may be recommending a practice that is already in place, in which case the recommendation may be put aside or may be worded to endorse that practice or to extend it further than is the current practice.

##### **Department of Agriculture and Forestry**

- Agricultural Chemistry program could be contracted out. The expenditure section of the report seems to indicate full cost recovery. \$888,823 Already recovered.
- The Horticulture Commission seems to be redundant activity for the government. Suggest turning it over to the industry or cancelling. \$564,204 Zero budget cost.
- The Boll Weevil Eradication Commission could be managed as full cost recovery. This should really be a cost against growing cotton. \$6,867,281 Cost recovery.
- The Pesticide Certification could be transferred to community colleges on a contractual basis. Contracts should require evidence of acquiring the required knowledge. \$201,125 Cost recovery.
- The AES- Pep Pesticide Inspections and Enforcement program should be run as full cost recovery. \$3,508,077 Cost recovery.
- The Plant Pest Quarantine Programs should be run in as full cost recovery. \$1,079,633 Cost recovery.
- The Regulatory Seed Testing & Louisiana Seed Certification Programs could be passed on to the industry to run if not it should be full cost recovery. \$963,551 Cost recovery
- The Dairy- Stabilization Program should be cancelled as redundant. \$357,408 returned to Treasury as savings.
- The Louisiana Agricultural Commodities Commission program should be repealed due to no continuing justification for its existence. \$1,193,121 returned to Treasury as savings.
- Weights and Measures Program, should be assigned with any other weights and measures activity to the new Department of Commerce. Resources as needed should be reassigned as well. \$3,451,496 reassigned.
- The Veterinary Health Division should be run as full cost recovery. \$3,232,694 Cost recovery.
- The Livestock Brand Commission should be dissolved and the responsibilities handed over to the industry. \$1,495,269 returned to the Treasury as savings.
- The State Meat Inspection Program, should be full cost recovery. \$1,300,000 Cost recovery.
- The Food Quality Service Program should full cost recovery. \$321,000 Cost recovery.
- The Poultry & Egg Program should be full cost recovery. \$156,000 Cost recovery.
- The Commodity Distribution Program: no recommendation.
- The Forestry Protection Program should recover cost where there is private benefit. Savings unable to be determined.
- The Forestry Management Program is not government business- but instead, should be handled by the private sector. If it remains government operated this program should be full cost recovery. \$8,439,370 Cost recovery.
- The Forestry Information & Education Program should either be dissolved or full cost recovery. \$1,352,777 Cost recovery.

- The Reforestation Program should really be a private business and should be sold. If it is retained it be full cost recovery. \$1,500,000
- The Forestry Enforcement Program should be a Police matter as it deals with criminal activity. It should be cancelled or transferred to Police. \$1,263,984 transferred to the Treasury as savings.
- The Office of Management and Finance should now be re formed according to the new functions and structures. Savings should be able to be achieved but are unable to be assessed at this stage. \$15,732,075
- The Office of Soil and Water Conservation Program should be transferred to the Department of Natural Resources or the new Department of Conservation. Total funds amount to \$125 million.

**Savings:**

- Total saving based on all recommendations being accepted. \$34,654,317
- Transfer to new Department of Conservation \$125 million
- If the creation of the Department of Conservation was supported then Fisheries and its resources would transfer into Agriculture and Forestry.